

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Case Nos.: 2:17-cr-00142-JAD-VCF

Plaintiff

V.

Brian Wright,

Defendant

Order Denying Defendant's Motion to Stay and Deeming Objections to PSR Waived

[ECF Nos. 167, 168]

8 Pro se defendant Brian Wright is pending sentencing on his conviction for two counts of
9 assault of a federal officer. He recently moved the Ninth Circuit for a stay of sentencing so that
10 he can petition for a writ of mandamus. Because I cautioned Wright at the last hearing that I
11 would not continue his sentencing again absent an order from the Ninth Circuit, I issued an order
12 earlier today making clear that “Wright’s latest Ninth Circuit filing changes nothing” and that
13 this sentencing would proceed as scheduled on March 5, 2019.¹ “And because Wright did not
14 file a sentencing memorandum by the Court’s extended deadline,” and the deadline for objecting
15 to the presentence investigation report (PSR) has long since passed, I deemed any potential
16 objection as waived.²

17 Shortly after my order was docketed, the court received from Wright mailed objections to
18 the PSR and a motion to stay his sentencing pending the Ninth Circuit’s ruling.³ In his motion,
19 Wright cites to Federal Rule of Appellate Procedure 8(a)(1), which requires a party seeking a
20 stay from a circuit court pending an appeal to that court to first move the district court for a stay

¹ ECF No. 166 at 2.

23 |² Id.

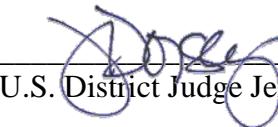
³ ECF Nos. 167–68.

1 of the judgment or order being appealed. Wright's only stated justification for staying his
2 sentencing is his bald assertion that the Ninth Circuit will overturn his conviction,⁴ but he has
3 cited no authority establishing that a district court may stay a sentencing based on the likelihood
4 of a successful appeal. Because I perceive no legal basis for granting a stay, **I deny Wright's**
5 **motion and again clarify that his sentencing will proceed as scheduled.** And although
6 Wright eventually filed his objections to the PSR, they are long overdue **and are still deemed**
7 **waived.**⁵ Accordingly,

8 IT IS HEREBY ORDERED that Wright's motion to stay [ECF No. 168] is DENIED.

9 His sentencing in this case will **proceed on Tuesday, March 5, 2019, at 2 p.m.** His objections
10 to the PSR [ECF No. 167] are deemed WAIVED.

11 Dated: March 1, 2019

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13 U.S. District Judge Jennifer A. Dorsey

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⁴ ECF No. 168 at 2.

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⁵ See Fed. R. Crim. P. 32(f) (objections due 14 days after receipt of PSR). Wright received the revised PSR on January 7, 2019, making his objections due January 21, 2019.